

REMARKS

This paper is submitted in reply to the Office Action dated May 20, 2005. Since August 20, 2005 is a Saturday, the period for response extends up to and includes August 22, 2005 and this paper is timely filed within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claims 8, 15 and 22 were rejected under 35 U.S.C. § 112 second paragraph. Moreover, claims 1-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,057,758 to Dempsey et al. (Dempsey) in view of U.S. Patent Application Publication No. 2003/022109 A1 to Weiss (Weiss).

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained. Applicants have amended claims 1, 8, 14, 15, 22 and 24 in deference to the Examiner. Applicants respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

The present claims recite a remote display that is fastened in proximity to an object of a dental procedure such that a user can concurrently view both the dental data and the object of the dental procedure. For instance, a doctor may attach the display to a bib of a patient so that the doctor can view a torque level of an instrument without having to turn their head away from the oral cavity/object of the procedure. An embodiment of the invention thus facilitates the operation of a doctor performing or observing the dental procedure (at the location of the dental procedure).

The failure of Dempsey to suggest or motivate such a feature stems from its disparate purpose. Dempsey teaches a remote display for enabling a doctor to passively monitor a patient condition without having to actually be at the patient's bedside, or even near the hospital. Dempsey describes at col. 4, lines 54-64, for example, how a clinician using a Dempsey remote does not "walk to the central station, the patient's bedside, or a

Page 7 of 10
Serial No. 10/729,762
Amendment and Response dated August 22, 2005
Reply to Office Action of May 20, 2005
WH&B EIE/072US
K:\EIE\072US\Amendment and Response re 5-20-05 OA.wpd

hallway display to view, acknowledge and/or respond to an alarm” concerning a patient. The Examiner acknowledges on page 9 that Dempsey fails to disclose having a fastener for attachment to a position within view of a user during a procedure. Just as significantly, however, Dempsey actually teaches against positioning a remote display (at the site of dental procedure) within the view of a doctor such that he or she can concurrently view both dental data and an object of a dental procedure.

Moreover, a combination with Weiss at best suggests only fastening the Dempsey remote device to a doctor who still remains remote from (or out of view of) the dental procedure. As such, the combination of the prior still fails to suggest a remote display that is fastened in proximity to an object of a dental procedure such that a user can concurrently view both the dental data and the object of the dental procedure. As such, all pending claims are non-obvious over the prior art of record.

More particularly regarding independent claim 1, this claim generally recites a method for communicating dental data to a user. The method includes providing a remote display unit that includes an enclosure attached to a fastener in proximity to an object of a dental procedure and a display for communicating dental data to the user such that the user can concurrently view both the dental data and the object of the dental procedure. The method also includes fastening the enclosure onto an object within view of the user to communicate the dental data to the user.

For the reasons stated above, Dempsey fails to suggest or motivate a remote device that is configured for attachment in proximity to an object of a dental procedure such that a user can concurrently view both the dental data and the object of the dental procedure. In fact, Dempsey actually teaches away from having a doctor spend time at the site of a medical patient. Weiss merely discloses a manner of fastening a device to a wearer, suggesting at best the fastening a Dempsey device worn by a doctor remote from the patient and any associated procedure.

Page 8 of 10
Serial No. 10/729,762
Amendment and Response dated August 22, 2005
Reply to Office Action of May 20, 2005
WH&B EDE/072US
K:\EIE\072US\Amendment and Response re 5-20-05 OA.wpd

Applicants consequently submit that claim 1 is non-obvious over the prior art of record. Reconsideration and allowance of independent claim 1, as well as of claims 2-13 that depend therefrom, are therefore respectfully requested. These dependent claims recite additional features that further distinguish from the prior art of record. Particularly regarding dependent claim 8, Applicants traverse that assertion that it would have been obvious in view of Dempsey to communicate dental parameters. Such parameters may augment and complement actions taken by a user participating in dental procedure, and are not suggested by a system that merely reports a medical status so that a doctor does not actively have to participate in a procedure.

Independent claims 14 and 24 are basically apparatus implementations of the method steps of claim 1, and are consequently submitted to be patentable for at least the reasons set out above with respect to claim 1. Applicants respectfully submit that claims 14 and 24 are non-obvious over the prior art of record. Reconsideration and allowance of independent claims 14 and 22, as well as of claims 15-23 that depend from claim 14, are therefore respectfully requested.

Of note, claims 8, 14, 15 and 22 have been amended to address the § 112 concerns of the Examiner and to further put the claims in condition for allowance.

In summary, Applicants respectfully submit that all pending claims are non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are

Page 9 of 10
Serial No. 10/729,762
Amendment and Response dated August 22, 2005
Reply to Office Action of May 20, 2005
WH&E EIE/072US
K:\EUS\072US\Amendment and Response re 5-20-05 OA.wpd

necessary to complete this communication, please apply them to Deposit Account 23-3000.

8/22/05

Date

Respectfully submitted,



Douglas A. Schofer

Reg. No. 52,197

WOOD, HERRON & EVANS, L.L.P.

2700 Carew Tower

441 Vine Street

Cincinnati, Ohio 45202

Telephone: (513) 241-2324

Facsimile: (513) 241-6234

Page 10 of 10

Serial No. 10/729,762

Amendment and Response dated August 22, 2005

Reply to Office Action of May 20, 2005

WH&E EIE/072US

K:\EIE\072US\Amendment and Response re 5-20-05 OA.wpd